

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JAMES SCOTTY WILDER,) CASE NO. ED CV 11-0962 DDP (RZ)
Petitioner,)
vs.) ORDER RE CERTIFICATE OF
PEOPLE OF THE STATE OF CALIFORNIA,) APPEALABILITY
Respondent.)

Rule 11 of the Rules Governing Section 2254 Cases in the United States
District Courts provides as follows:

(a) **Certificate of Appealability.** The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. Before entering the final order, the court may direct the parties to submit arguments on whether a certificate should issue. If the court issues a certificate, the court must state the specific issue or issues that satisfy the showing required by 28 U.S.C. § 2253(c)(2). If the court denies a certificate, the parties may not appeal the denial but may seek a certificate from the court of appeals under Federal Rule of Appellate Procedure 22. A motion to reconsider a denial does not extend the time to appeal.

1 (b) **Time to Appeal.** Federal Rule of Appellate Procedure 4(a)
2 governs the time to appeal an order entered under these rules. A timely notice
3 of appeal must be filed even if the district court issues a certificate of
4 appealability.
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6 Under 28 U.S.C. § 2253(c)(2), a Certificate of Appealability may issue “only
7 if the applicant has made a substantial showing of the denial of a constitutional right.” The
8 Supreme Court has held that this standard means a showing that “reasonable jurists could
9 debate whether (or, for that matter, agree that) the petition should have been resolved in a
10 different manner or that the issues presented were adequate to deserve encouragement to
11 proceed further.” *See Slack v. McDaniel*, 529 U.S. 473, 483-84, 120 S. Ct. 1595, 146
12 L. Ed. 2d 542 (2000) (internal quotation marks omitted).

13 Here, after duly considering Petitioner’s contentions, the Court finds that
14 Petitioner has not satisfied the requirements for a Certificate of Appealability.
15 Accordingly, the Certificate is DENIED.
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17 DATED: March 1, 2012



20 DEAN D. PREGERSON
21 UNITED STATES DISTRICT JUDGE
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